

**VARIANCE JUSTIFICATIONS**

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

The property is a corner lot on Ashbourne and Flicker and the accompanying photos will show that other property owners on this street have completed remodels that also reveal a 6 foot side yard setback. Granting this variance would allow the home owners to enjoy the same priviledge of expansion as their neighbors, allowing the same overall square footage consistent with the neighborhood.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

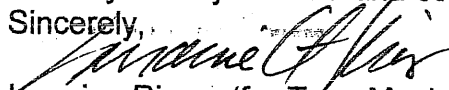
Granting this variance would not be detrimental to the public welfare or property since the vision triangle for traffic is maintained and the exterior look of the addition will match the existing house and the general ranch look of the existing neighborhood. This does not inhibit the use or enjoyment of any home in the immediately zoned area.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

We do not beleive there are any special priviledges being granted, but instead the home owners enjoyment and use of the property will be brought up to parr with their neighbors.

Thank you for your time and consideration in this matter.

Sincerely,



Lorraine Riess (for Tony Maciejowski and Lorraine Guerrera, owners)  
Professional, AIBD

**If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.**

734 Ashbourne Drive  
Sunnyvale, CA 94087  
March 8, 2006

Planning Commission  
Dept. of Community Development  
456 West Olive Ave.  
Sunnyvale, CA 94088

To whom it may concern,

We are requesting a variance from Sunnyvale Municipal code section 19.34.040 to allow a six-foot set back where nine feet is required from the property line on a corner lot. The addition would have a setback of 17 feet from the face of the curb instead of 20 feet.

Some of the corner lots in the neighborhood do not meet the current set back requirements and this request for a variance would match the set backs of other corner lots in the neighborhood. Granting a variance would not set a precedence for a majority of homes. Therefore, the cumulative effect of structures closer to the street would not have a negative impact on the streetscape and would not reduce the visual open space in the area.

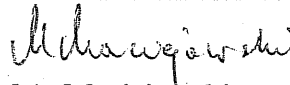
In addition, the exceptional topography of the parcel is causing a hardship in designing the placement of the sewer line for our new bathroom. The elevation of the home on the Flicker Way side of the parcel is approximately 4 feet higher than the street. This situation is depriving us of a privilege enjoyed by similar property owners, since surrounding parcels are at street level and 734 Ashbourne/Flicker is not.

The Sunnyvale planning staff has noted in the documents prepared at the administrative hearing that the proposed addition would have a minimal impact to the surrounding neighborhood. It was stated at the meeting that the design of the addition was done very well to blend in and complement the existing home. Therefore, we are asking that the variance be granted.

Best Regards



Lorraine Guerrera Maciejowski



M.A. Maciejowski